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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,684	09/28/2000	Neal Goldstein	PM 12607	7405

7590 10/20/2004

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EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/672,684	GOLDSTEIN ET AL.	
	Examiner	Art Unit	
	Tim Brown	1648	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicants' Request for Reconsideration mailed April 16, 2004 is persuasive.

Accordingly, all rejections made in the Final Office Action are withdrawn and prosecution is re-opened.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-19 and 29-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Berkowitz et al. (US Pat. No. 6,457,021 B1).

Claims 1-19 and 29-44 are drawn to an electronic commerce system comprising a plurality of customer facing utility systems, a plurality of street side systems, and a firm side system wherein authoritative data is exchanged between the plurality of customer facing utility systems, the firm side system, and the plurality of street side systems. The transferred authoritative data may be store as read-only data.

Berkowitz et al. anticipate Applicants' invention by disclosing a database system having a shared memory wherein unmodified data is preserved in the shared memory, and each of a number of client computers may access the shared memory to create a data update (abstract, lines 1, and 5-12; Fig. 1, chars. 22 and 50; col. 1, lines 60-65; col. 2, lines 1-6 and 21-25). Note that Berkowitz et al.'s disclosure of a plurality of clients that are capable of manipulating common data meets the claimed customer facing utility systems and street side systems. This is because there is nothing in the claims that

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requires the customer facing utility systems and the street side systems to be distinct physical components.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 23-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trenbeath et al. (US Pat. No. 6,324,587 B1) in view of Silverman et al. (US Pat. No. 6,505,175 B1).

Trenbeath et al. teach a method of processing customer transactions comprising:
receiving a customer transaction request at one of a plurality of customer facing systems (col. 11, lines 35-38 and 61-63);

creating a record of the request and writing the transaction record to data associated with the one of the plurality of customer facing utility systems, (col. 16, lines 23-26; and col. 33, lines 44-48);

replicating the transaction request record to data associated with the other customer facing utility systems (col. 16, lines 23-26 and 47-52);

sending the transaction request from the one customer facing utility system to one of a plurality of street side systems where it is executed at said street side system (abstract, lines 17-18; col. 23, line 16; and col. 41, lines 54-59);

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creating a record of said transaction execution (col. 16, lines 47-52; col. 35, lines 34-36; col. 39, lines 36-46; and col. 40, lines 29-38);

replicating said transaction execution record to data storage associated with each of said customer facing utility systems (Id.);

wherein said transaction request is a buy order, or a sell order (col. 19, line 55).

Trenbeath et al. do not expressly teach "writing said transaction execution record to data storage associated with said one street side system." However, Silverman et al. discloses a computerized brokerage method wherein transactions from a trading area are entered into a trading area database (col. 2, lines 4-24). Silverman et al. disclose that entering transactions into a trading area database is critical because it enables brokers to keep track of whether pending orders have been executed (col. 2, lines 11-13). Thus, one of ordinary skill in the art would have been motivated at the time of Applicants' invention, to modify Trenbeath et al. to include "writing said transaction execution record to data storage associated with said one street side system."

Modifying Trenbeath et al. in this way would ensure that its pending orders are executed properly.

Note that even if Trenbeath et al. and Silverman et al. did not expressly teach a cancel order, it would have been obvious to include such a feature. This is because like buy and sell orders, cancel orders are a routine broker transaction. Therefore, it would have been obvious to modify Trenbeath et al. and Silverman et al. to include canceling an order as this combination would enable the disclosed brokers to provide a range of basic services.

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Conclusion

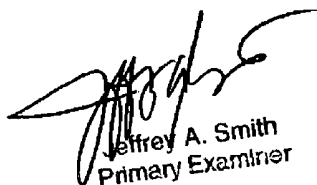
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Brown
Examiner
Art Unit 1648

tb



Jeffrey A. Smith
Primary Examiner